

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RHONDA LANNING,)	
)	
Plaintiff,)	
)	
v.)	NO. 3:11-0217
)	Judge Campbell/Bryant
TENNESSEE PRISON FOR WOMEN,)	Jury Demand
et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Plaintiff Rhonda Lanning, who is proceeding pro se and in forma pauperis, has filed her Motion For Court Ordered Physical Examination pursuant to Rule 35 of the Federal Rules of Civil Procedure (Docket Entry No. 36). Defendants Corizon, Inc. f/k/a Correctional Medical Services and Cody Petry have filed their response in opposition (Docket Entry No. 37). For the reasons stated in this memorandum, the Court **DENIES** plaintiff's motion for a court ordered physical examination.

Rule 35 of the Federal Rules of Civil Procedure provides a mechanism by which a party may obtain an order of the court requiring that an opposing party submit to a physical or mental examination by a suitably licensed or certified examiner. Here, however, plaintiff seeks an order of the Court requiring an examination of plaintiff herself. Courts have held that this is an improper application of Rule 35.

As the district court correctly noted, Rule 35 of the FRCP does not vest the court with authority to appoint an expert to examine a party wishing an

examination of himself. Rather, under appropriate circumstances, it would allow the court to order a party to submit to a physical examination at the request of an opposing party. Brown [the plaintiff] seeks to compel the government to bear the cost of and responsibility for hiring an expert witness to testify on his behalf in order to establish a fundamental element of his case. However, no civil litigant, even an indigent one, has a legal right to such aid.

Brown v. United States, 74 Fed. Appx. 611, 614-15, 2003 WL 21949580 (7th Cir. Aug. 11, 2003), cert. denied, 540 U.S. 1132 (2004).

For the foregoing reason, plaintiff's motion for court ordered physical examination (Docket Entry No. 36) is **DENIED**.

It is so **ORDERED**.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge